IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION CASE NO. 5:23-CV-049-DCK

MARY LYNN CLARK,)	
Plaintiff,)	
v.)	<u>ORDER</u>
COMMISSIONER OF SOCIAL SECURITY))	
Defendant.)) _)	

THIS MATTER IS BEFORE THE COURT on "Plaintiff's Consent Petition For Attorney Fees Under The Equal Access To Justice Act 28 U.S.C. § 2412" (Document No. 15) filed August 1, 2023. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will grant the motion.

By the instant motion, Plaintiff Mary Lynn Clark seeks an award of attorney fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, in the amount of \$3,645.90. (Document No. 15). The Commissioner consents to the requested fee. <u>Id.</u> at p. 2.

IT IS, THEREFORE, ORDERED that "Plaintiff's Consent Petition For Attorney Fees Under The Equal Access To Justice Act 28 U.S.C. § 2412" (Document No. 15) is GRANTED.

IT IS FURTHER ORDERED that the Commissioner of Social Security SHALL pay to Plaintiff the sum of \$3,645.90 in attorney fees, in full satisfaction of any and all claims arising under the EAJA, 28 U.S.C. § 2412(d), and upon the payment of such sum this case is dismissed with prejudice. If the award to Plaintiff is not subject to the Treasury Offset Program, payment will be made by check payable to Plaintiff's counsel, Aaron L. Dalton, and mailed to his office at

P.O. Box 786, Statesville, North Carolina 28687, in accordance with Plaintiff's assignment to her attorney of her right to payment of attorney's fees under the EAJA. If the payment is subject to offset, then any remaining fee will be made payable to Plaintiff and mailed to Plaintiff's counsel's office address.

IT IS FURTHER ORDERED that "Plaintiff's Consent Petition For Attorneys Fees Under The Equal Access To Justice Act 28 U.S.C. § 2412" (Document No. 14) is **DENIED as moot**.

SO ORDERED.

Signed: August 1, 2023

David C. Keesler

United States Magistrate Judge